

Remarks

Claims 1, 10, 16 and 29 have been amended, and claims 20, 28 and 30 have been canceled. Review and reconsideration in light of these amendments and the comments below are respectfully requested.

Claims 1, 3, 6, 23, 27-29 and 31 are rejected as defining obvious subject matter over U.S. Pat. No. 2,573,861 to Meeker in view of U.S. Pat. No. 2,573,861 to Glaser or U.S. Pat. No. 3,145,406 to Lay. Claim 1 has been amended to include the subject matter of claim 28 and claim 28 has been canceled. Claim 16 has been amended to include the subject matter of claims 20 and 30, and claims 20 and 30 have been canceled.

Claim 1, as amended, specifies that the opening of the handle includes a mouth at a distal end thereof, wherein the mouth is configured to receive the attachment portion therein in more than two radial positions. Claim 1 also specifies that the handle is configured to be manually decoupled, without the use of tools, from the attachment portion by twisting the handle relative to the attachment portion.

At page 4 of the Office action, it is noted that the claim limitation "a handle having an opening . . . in more than two radial positions" has been held to mean that the opening of the handle is capable of first receiving the attachment portion in more than two radial positions. The Office action then goes on to take the position that the Glaser reference discloses this feature. In particular, at page 4, the Office action specifies that the Glaser reference discloses a circular handle opening which allows the attachment portions to be inserted in the opening at any radial position and then twisted into position.

However, it is submitted that the Glaser reference does not disclose a circular handle opening, and does not disclose the subject matter of claim 1. In contrast, in the device of the Glaser reference, as shown in Fig. 5A, the opening 10 includes a pair of side channels 11. As shown in Fig. 4C, the toothbrush head 1 includes a pair of projections 9 that must fit into the channels 11 of the female portion/opening 10. Thus, the opening 10 is not circular and the toothbrush head of the Glaser reference is insertable in only two radial positions (see column 4, lines 56-58). The embodiment shown in Figs. 7A-7D of the Glaser reference is similarly configured in this regard (see column 5, lines 42-49).

In contrast, in the present invention, as shown in Figs. 6 and 7 of this application, the feed grip 42 and the attachment portion 50 do not need to be located at any particular angular or radial position to be initially coupled. This provides great convenience to the user, particularly given the fact that an operator may be required to reach over the slicer when assembling the handle and not be able to visually line up the various components.

The undersigned would like to thank the Examiner for briefly and informally discussing this application on September 8, 2005. At that time, the Examiner acknowledged that the opening 10 of the Glaser reference does not appear to disclose the claimed opening of claim 1. The Examiner noted that it is possible that the female insert 5 of the Glaser reference (see Fig. 2) could be construed as the claimed attachment portion, and the opening at the top of the animated figure/handle 2 might be able to be construed as the claimed opening. However, it is submitted that if this interpretation of the Glaser reference is taken, the subject matter of claim 1 still is not shown. For example, the opening at the top of animated character 2 of the Glaser reference is shown in greater detail in Fig. 6. The opening 18 includes a plurality of square-shaped channels 19 which are shaped to receive the angled cleats 16 of the insert 5 therein. The channels 19 are sized such that, when the insert 5 is pressed into place, the cleats 16 pop outwardly and lock the insert 5 in place.

The Glaser reference specifically points out that the locking arrangement between the cleats 16 and channel 19 prevent subsequent removal of the insert 5 from the handle 2. The Glaser reference also discloses that the locking arrangement prevents any relative rotation between the insert 5 and the handle 2 (see column 5, lines 25-31).

However, as discussed above, claim 1 specifies that the attachment portion can be rigidly coupled to the handle, and that the handle is configured to be manually decoupled, without the use of tools, from the attachment portion by twisting the handle relative to the attachment portion. In contrast, in the Glaser reference, once the insert 5 is rigidly coupled, it is not able to be manually decoupled without the use of tools. In addition, the insert 5 is also configured to block any attempted twisting of the insert 5 relative to the animated figure 2. Thus, it is submitted that the subject matter of claim 1 is not shown in the Glaser reference.

In addition, claim 29, which specifies that the mouth is spaced to receive the attachment portion therein in any radial position, further distinguishes over this interpretation of the Glaser reference.

Independent claims 16 and 23 include similar limitations to those of claim 1 discussed above, and are therefore submitted to define over the Glaser reference for similar reasons.

Claim 1 also specifies that the handle has a generally continuous outer surface and lacks any auxiliary openings that communicate with the opening of the handle. At page 4, the Office action takes the position that the outer portion of the handle of the Lay reference is generally continuous and lacks any auxiliary openings that communicate with the opening of the handle. However, this interpretation of the Lay reference is respectfully traversed. The handle of the Lay reference includes a central opening (the main cylindrical opening which receives the cylindrical head portion 12 therein; see Figs. 2 and 6). The handle 11 of the Lay reference also clearly includes two auxiliary openings 33 formed therein (see Figs. 1-3 and 6, and column 3, lines 1-2). In particular, each opening 33 is configured to receive a lug 29 (Fig. 7) therein when the head portion 12 is inserted to a sufficient depth in the handle portion 11. Once properly aligned, the lugs 29 snap into the openings 33 to secure the handle portion 11 and head portion 12 together (see column 3, lines 30-40).

Accordingly, the Lay reference lacks a generally continuous outer surface, and also includes two auxiliary openings which communicate with the opening of the handle.

In the telephone conversation with the Examiner, it was mentioned by the Examiner that when the lugs 29 are received in an opening 33, that the handle portion 11 arguably no longer has any auxiliary openings. However, it is noted that claim 1 specifies that the handle has a "generally continuous outer surface." Thus, even when the lugs 29 are received in the auxiliary openings 33, the handle of the Lay reference still lacks a generally continuous outer surface. For example, as shown in Fig. 6 of the Lay reference, each lug 29 does not fully fill the associated auxiliary opening 33 to form a smooth continuous outer surface. Instead, recesses/gaps are located in the outer surface, and if this arrangement were to be used in the slicer of the Meeker reference, food, debris and other matter could be trapped in the gaps between the lugs 29 and auxiliary openings 33.

In addition, it is submitted that the handle portion 11 still retains auxiliary openings 33, even when a protrusion 29 is temporarily received therein. For example, the Lay reference does not disclose that the protrusions 29 completely fill and seal the auxiliary openings 33, and thus there could still exist a pathway between the outer and inner surfaces of the handle portion 11 which would constitute an auxiliary opening.

Thus, it is submitted that the subject matter of claim 1 is not shown in the Lay reference, and it is submitted that claim 1 is patentable over the cited references. Claims 16 and 23 include limitations similar to those of claim 1 discussed above, and are thus submitted to be allowable for similar reasons.

It is noted that the sole remaining independent claim, claim 32, has been indicated to include allowable subject matter, and therefore is believed to be allowable. Accordingly, it is submitted that each of independent claims 1, 16, 23 and 32 define over the cited references, and a notice of allowance is respectfully solicited.

The applicant(s) hereby authorizes the Commissioner under 37 C.F.R. §1.136(a)(3) to treat any paper that is filed in this application which requires an extension of time as incorporating a request for such an extension. The Commissioner is hereby authorized to charge any additional fees which may be required by this paper, or to credit any overpayment to Deposit Account 20-0809.

Respectfully submitted,



Steven J. Elleman
Reg. No. 41,733

THOMPSON HINE LLP
2000 Courthouse Plaza NE
P. O. Box 8801
Dayton, Ohio 45401-8801
(937) 443-6838

384471